

REMARKS

Claims 1 through 27 are currently pending in the application.

Claims 1 through 27 stand rejected.

Applicants have amended claims 1, 4, 7, 10, 13, 16, 19, 22, and 25, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 101 Double Patenting Rejection

Claims 1 through 27 stand rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1 through 3 of prior U.S. Patent 6,326,238 (hereinafter referred to as the '238 patent). Applicants respectfully traverse this rejection, as hereinafter set forth.

Applicant asserts that a reliable test for statutory double patenting under 35 U.S.C. 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent. Is there an embodiment of the invention that falls within the scope of one claim, but not the other? If there is such an embodiment, then identical subject matter is not defined by both claims and statutory double patenting under 35 U.S.C. § 101 does not exist. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).


Applicant asserts that no statutory double patenting exists between the embodiments of the inventions set forth in presently amended independent claims 1, 4, 7, 10, 13, 16, 19, 22, and 25 of the present application and the embodiment of the invention set forth in corresponding independent claim 1 of the '238 patent because different embodiments of the invention are being claimed. The embodiment of the invention set forth in corresponding claim 1 of the '238 patent contains elements of the invention calling for "forming a strip . . . attaching a semiconductor device . . . aligning said strip . . . and attaching a plurality of bond wires" whereas no embodiment of the presently claimed inventions of presently amended independent claims 1, 4, 7, 19, 13, 16, 19, 22, and 25 contains all such elements of the invention.

Therefore, no statutory double patenting exists between the embodiments of the inventions set forth in presently amended independent claims 1, 4, 7, 10, 13, 16, 19, 22, and 25 and the embodiment of the invention set forth in corresponding claim 1 of the '238 patent. Accordingly, presently amended independent claims 1, 4, 7, 10, 13, 16, 19, 22, and 25 of the present application are allowable as well as the dependent claims therefrom.

CONCLUSION

Claims 1 through 27 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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